

REMARKS

With entry of the Amendment under 37 C.F.R. § 1.116 filed November 24, 2008, claims 1 and 13 have been amended to incorporate therein the recitation of claim 5. Claim 5 has been canceled.

Review and reconsideration on the merits are requested.

Claim 13 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,538,262 to Matsumura. Claims 1, 2, 4-6 and 8-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over JP 11-201288 (JP '288). Claims 1, 2, 4-6 and 8-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsumura in view of JP '288.

Applicants traverse, and respectfully request the Examiner to reconsider in view of the amendment to the claims and the following remarks.

The gasket of Matsumura comprises a core material of an elastomer having a JIS hardness equal to or less than 120 upon which is deposited a 10^{-3} to 100 μm thick coating of aluminum. This is the only specific range of the film thickness disclosed by Matsumura, and there is no disclosure in Matsumura relating to a fluorine polymer.

The range of film thickness in the present invention is strictly limited to 0.005 to 1 μm by amendment of the claims herein. When the thickness of the coating film is less than 0.005 μm , the properties such as non-sticking and plasma resistance tends to be insufficient. When the thickness of the coating film is more than 1 μm , the film cannot follow the deformation of the sealing material. Cracks then tend to occur which deteriorate the plasma resistance on the

surface. This characteristic feature of the invention is described at page 22, lines 15-22 of the specification.

On the other hand, the thickness of the coating film of JP '288 is 0.0001 to 3 mm (i.e., 0.1 to 3000 μm), quite different from the claimed coating film thickness (see [0006] of JP '288). JP '288 discloses in paragraph [0006] that the range of film thickness is preferably 0.1 to 3000 μm , more preferably, 1 to 200 μm . There is no necessity of adhering the elastic body 1 and metal layer 2. More specifically, the only concrete disclosure of a film given in the Working Example of JP '288 is one in which a 100 μm thick metal layer 2 is installed (laid to) a fluorine rubber elastic body 1. There is no recognition in JP '288 of the need to limit the coating film to a thickness of 1 μm , and the broad range of 0.1 to 3000 μm disclosed by JP '288 does not disclose the claimed range of from 0.005 to 1 μm with "sufficient specificity" to constitute an anticipation. MPEP § 2131.03 (relating to anticipation of ranges). For the same reasons, the broad thickness range disclosed by Matsumura also does not anticipate amended claim 13.

With respect to the underlying rejections under 35 U.S.C. § 103(a), when a person skilled in the art applies the techniques of the cited references, the range of the film thickness becomes very different from that of the present invention. None of Matsumura and JP '288 recognized the significance of limiting the thickness of the coating film to within a range of 0.005 to 1 μm , but rather disclose extremely wide ranges of up to 100 μm and 3000 μm , respectively. The changes needed to arrive at the present invention are not workshop modifications merely relating to optimizing a range.

RESPONSE UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/580,110

Attorney Docket No.: Q94611

For the above reasons, it is respectfully submitted that the amended claims are neither anticipated nor obvious over Matsumura and JP '288, considered alone or in combination thereof, and withdrawal of the foregoing rejections is respectfully requested.

Withdrawal of all rejections and allowance of claims 1, 2, 4, 6 and 8-13 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 22, 2008